

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3 In the Matter of

4 **GARY STANFORD BLASS, M.D.**

5 Holder of License No. **22064**  
6 For the Practice of Allopathic Medicine  
7 In the State of Arizona.

**Case No: MD-04-1201**

**INTERIM FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER  
FOR SUMMARY SUSPENSION OF  
LICENSE**

8 **INTRODUCTION**

9 The above-captioned matter came on for discussion before the Arizona Medical  
10 Board ("Board") at an emergency Board meeting on February 17, 2005. After reviewing  
11 relevant information and deliberating, the Board considered proceedings for a summary  
12 action against the license of Gary Stanford Blass ("Respondent"). Having considered the  
13 information in the matter and being fully advised, the Board enters the following Interim  
14 Findings of Fact, Conclusions of Law and Order for Summary Suspension of License,  
15 pending formal hearings or other Board action. A.R.S. § 32-1451(D).

16 **INTERIM FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for the regulation and control of  
18 the practice of allopathic medicine in the State of Arizona.

19 2. Respondent is the holder of License No. 22064 for the practice of allopathic  
20 medicine in the State of Arizona.

21 3. The Board initiated case number MD-04-1201 after receiving notification on  
22 September 27, 2004 from the Vice-President of Health Choice Arizona, Inc., that because  
23 of Respondent's actions he had no choice but to contact the Tempe Police Department  
24 and ask that a restraining order be issued against Respondent. The report related that  
25 Respondent had sent numerous e-mails to Health Choice that they believed to be

1 threatening, vulgar and alarming. The report also raised concerns that Respondent's  
2 actions called into question his mental stability to safely engage in the practice of  
3 medicine. A follow-up report indicated that Health Choice ultimately decided against  
4 pursuing the restraining order.

5 4. On October 19, 2004 Board Staff received additional information after a  
6 statutorily required report was filed by a physician indicating that Respondent had been  
7 placed into court-ordered mental health treatment through Maricopa Medical Center and  
8 Desert Vista Behavioral Health Center after he was determined to be a danger to self,  
9 danger to others, and acutely psychiatrically impaired.

10 5. On January 31, 2005 Board Staff and Michel Sucher, M.D., the Board's  
11 contracted addiction medicine specialist, interviewed Respondent. During the interview  
12 Respondent admitted that he had received an October 19, 2004 notice of the allegations  
13 against him, but never submitted a response. Respondent admitting sending the e-mails  
14 to Health Choice and noted that he had been having problems getting reimbursed by  
15 Health Choice for services he provided to their clients. Respondent stated that he had  
16 attempted to resolve the problem with Health Choice by phone for several weeks before  
17 he sent the e-mails. Respondent stated he had contacted the State Ombudsman's Office  
18 for assistance with the reimbursement problem. Respondent stated he was unaware  
19 Health Choice had contacted the police and that the Tempe Police had never contacted  
20 him.

21 6. Respondent explained his urgency in being reimbursed by Health Choice  
22 was that he had no funds. Respondent also explained that he had been taking Effexor,  
23 but had run out because he could not afford more. Respondent noted that there did arise  
24 out of that a decompensation with depression for which he was on the Effexor.  
25 Respondent stated that the observations that were brought to the Board's attention are the

1 speech of someone in an uncompensated state of mental disorder. Respondent stated he  
2 had been hospitalized and stabilized, was continuing treatment, and his psychiatric  
3 condition appeared to be controlled.

4 7. Respondent was asked about his October 2004 court-ordered treatment as  
5 well as previous substance abuse and mental health treatment. Respondent noted that he  
6 had received psychiatric treatment for one month in approximately 1980 and that he had  
7 been under the treatment of a licensed physician since a Board Order for Probation was  
8 executed in 2002. Respondent stated that he had not received any treatment for alcohol  
9 or drug issues since the Stipulated Rehabilitation Agreement between he and the Board  
10 had expired in 1997.

11 8. Board Staff next attempted to question Respondent regarding specific  
12 information contained in the petition and order for the mental health treatment. Board Staff  
13 reported that Respondent then became quite guarded and uncooperative.

14 9. Respondent informed Board Staff that he was hesitant to provide them with  
15 any information due to his previous experiences with the Board and that he understood  
16 Staff have "a certain agenda." Board Staff told Respondent that the questioning would  
17 continue and he could refuse to answer if he wished. Respondent then refused to answer  
18 many questions and only replied "no comment."

19 10. After requesting a short break in the Staff interview Respondent refused to  
20 continue. Respondent had stated briefly during the interview that since his discharge from  
21 mental health treatment he had been practicing medicine at a location where he previously  
22 had a small practice before his treatment. However, because Respondent terminated the  
23 interview, Board Staff was unable to ask specific questions about the nature of his  
24 practice.  
25

1        11: At its regularly scheduled meeting on February 10, 2005 the Board  
2 considered the investigative information and received legal advice in executive session.  
3 Thereafter, the Board returned to open session and issued an Interim Order. One of the  
4 terms of the interim order required Respondent to submit to urine screens at times and  
5 places as more specifically directed by Staff in instructions to follow.

6        12. On February 11, 2005 Board Staff hand-delivered to Respondent the Interim  
7 Order and the written instructions for his compliance with the urine screens. Respondent  
8 was required to participate in a phone-in system called "color of the day." Color of the day  
9 requires participants to call a specified number on a daily basis to determine whether the  
10 participants "color" has been called. If so, participants must present for a urine screen  
11 within a specified period of time. Respondent was assigned the color "gold." Respondent  
12 was instructed to begin calling the number on Saturday, February 12, 2005. On February  
13 12, 2005 Dr. Sucher contacted Respondent and informed him to present for a drug screen  
14 on that day.

15        13. On February 14, 2005 Board Staff was contacted by the Concentra Medical  
16 Center and informed that when Respondent presented for the drug screen he was asked  
17 to empty his pockets and remove his jacket prior to providing his specimen. Concentra  
18 staff reported that Respondent had two vials of fluid in his pocket that he tried to conceal  
19 under the hood of his jacket. The vials were described as approximately one inch in length  
20 and containing a small amount of unknown yellow fluid. A Concentra Staff member then  
21 observed Respondent give his sample, but because the Staff member was female, she did  
22 not observe closely. The Concentra Staff member reported that the sample vial  
23 Respondent handed to her was cold to the touch and the test strip that measures the  
24 specimen did not provide a temperature reading. Respondent was then advised of the  
25 abnormal temperature. Respondent was then asked to sign an "Unusual Collection Form"

1 that identified his specimen as "unusual" due to low temperature and to provide a second  
2 specimen that would be observed directly. Respondent refused to sign the form or provide  
3 the second specimen.

4 14. On February 14, 2005 the color of the day was "gold." Respondent was  
5 therefore, required to provide a specimen. On February 15, 2005 Board Staff contacted  
6 Southwest Laboratories for the results of the urine screen and were advised that  
7 Respondent had not presented to provide a sample. Dr. Sucher then contacted  
8 Respondent. Respondent stated that he had not read the paperwork hand-delivered to  
9 him by Staff on February 11, 2005 and was not aware of the color of the day program.

10 15. On February 16, 2005 Dr. Sucher telephoned Respondent at 10:45 a.m. Dr.  
11 Sucher left a voice message with Respondent on the number provided by Respondent as  
12 required by the testing program. The message required Respondent to present for an  
13 observed urine drug screen and hair drug test within four hours. Respondent was also  
14 informed of the facility to which he was to present. At 2:45 p.m. Board Staff contacted the  
15 facility to determine whether Respondent had appeared. Board Staff was told he had not.  
16 Board Staff again contacted the facility at 3:45 and was told Respondent had not  
17 appeared.

18 16. Dr. Sucher informed Board Staff that he spoke with Respondent at 3:50 p.m.  
19 and Respondent informed him that he had received the message requiring him to present  
20 for the testing, but he had no intention of providing either a urine or hair sample.

21 17. The facts as presented demonstrate that the public health, safety or welfare  
22 imperatively requires emergency action.

#### 23 24 INTERIM CONCLUSIONS OF LAW

25 1. The Board possesses jurisdiction over the subject matter hereof and over

1 Respondent, holder of License No. 22064 for the practice of allopathic medicine in the  
2 State of Arizona.

3 2. The conduct and circumstances described above constitute unprofessional  
4 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be  
5 harmful or dangerous to the health of the patient or the public.")

6 3. The conduct and circumstances described above constitute unprofessional  
7 conduct pursuant to A.R.S. § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent  
8 agreement or stipulation issued or entered into by the board or its executive director under  
9 this chapter.")

10 4. The conduct and circumstances described above constitute unprofessional  
11 conduct pursuant to A.R.S. § 32-1401(27)(nn) ("[r]efusing to submit to a body fluid  
12 examination or any other examination known to detect the presence of alcohol or other  
13 drugs as required by the board pursuant to section 32-1452 or pursuant to a board  
14 investigation into a doctor of medicine's alleged substance abuse.")

15 5. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the  
16 public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-  
17 1451(D).

### 18 ORDER

19 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth  
20 above,

#### 21 IT IS HEREBY ORDERED THAT:

22 1. The Interim Order issued by the Board on February 10, 2005 remains in  
23 effect. Further, that Order is amended to require Respondent to undergo an inpatient  
24 evaluation at a Board Staff approved facility within 14 days of receipt of this Order.  
25 Respondent is responsible for all expenses relating to the evaluation and/or treatment.

1 Respondent shall sign a consent form to release all confidential evaluation and/or  
2 treatment records to the Board. Respondent shall comply with any recommendations  
3 made by the evaluating facility including any recommendation that Respondent obtain  
4 further treatment at a Board approved treatment center. If Respondent chooses to obtain  
5 that treatment at a facility other than the evaluating facility he shall contact Board Staff for  
6 the name of a Board approved facility that he may present to for treatment.

7       2. Respondent shall provide a copy of this Order to the treatment center.

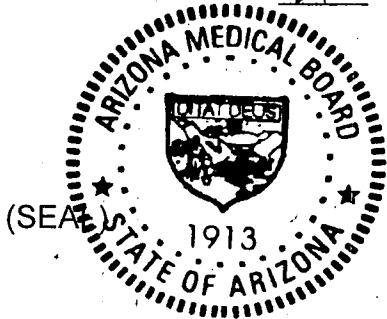
8       3. The February 10, 2005 Interim Order is further amended to require  
9 Respondent to undergo a medical, neurological and neuropsychiatric evaluation within  
10 the time indicated by Board Staff. The evaluations will be conducted at Board expense.  
11 The physicians shall provide written confidential evaluation reports to the Board or  
12 authorized Board Staff. The physicians are conducting the evaluations solely for the  
13 benefit of the Board and the evaluation reports are prepared solely for the benefit of the  
14 Board. Therefore, the physicians are not treating Respondent as a patient. Respondent  
15 shall authorize the release to Board Staff or Board evaluators, upon request, all records  
16 relating to Respondent's previous medical or psychological history. Respondent shall  
17 contact Board Staff for the name of the Board-Approved physicians Respondent is  
18 required to present to.

19       4. Respondent's license to practice allopathic medicine in the State of Arizona,  
20 License No. 22064, is summarily suspended pending a formal hearing before an  
21 Administrative Law Judge from the Office of Administrative Hearings.

22       5. The Interim Findings of Fact and Conclusions of Law constitute written notice  
23 to Respondent of the charges of unprofessional conduct made by the Board against him.  
24 Respondent is entitled to a formal hearing to defend these charges as expeditiously as  
25 possible after the issuance of this order.

1           6.     The Board's Executive Director is instructed to refer this matter to the Office  
2 of Administrative Hearings for scheduling of an administrative hearing to be commenced  
3 as expeditiously as possible from the date of the issuance of this order, unless stipulated  
4 and agreed otherwise by Respondent.

5           DATED this 17 day of February, 2005.



ARIZONA MEDICAL BOARD

By: *Timothy C. Miller*  
TIMOTHY C. MILLER, J.D.  
Executive Director

11 ORIGINAL of the foregoing filed this  
12 17<sup>th</sup> day of February, 2005, with:

13 The Arizona Medical Board  
14 9545 E. Doubletree Ranch Road  
15 Scottsdale, AZ 85258

16 Executed copy of the foregoing mailed by Certified  
17 Mail this 17<sup>th</sup> day of February, 2005, to:

18 Gary Stanford Blass, M.D.  
19 Address of Record

20 Executed copy of the foregoing mailed by First  
21 Class mail this 17<sup>th</sup> day of February, 2005, to:

22 Dean Brekke  
23 Assistant Attorney General  
24 Arizona Attorney General's Office  
25 1275 West Washington, CIV/LES  
Phoenix, Arizona 85007